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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/627,870

07/28/2000

David H. Sprogis

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08/03/2005

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EXAMINER

MYHRE, JAMES W

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,870

Applicant(s)

SPROGIS, DAVID H.

Examiner

James W. Myhre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050627</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on May 31, 2005 is sufficient to overcome the 35 U.S.C. 102 rejection of Claims 27 and 29-37 in view of the Rabonsky reference. The amendment added new claims 38-47 and amended Claims 27-37. The currently pending claims considered below are Claims 27-47.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabonsky (6,141,530) in view of Hunter (6,424,998).

Claims 27, 38, and 43: Rabonsky discloses a system and method for providing advertisement information to an audience, comprising:

a. means for receiving and storing job requests including data representative of an advertisement and data representative of a schedule request including at least one of a requested movie genre, a requested movie rating, a requested showing location, a requested showing time, a requested movie release start

date, and a requested movie release end date (col 4, lines 11-16; col 8, lines 11-24; col 12, lines 26-28; and col 14, lines 4-19);

b. means for storage actual movie showing data including movie showing identification data and audience common interest data which includes movie genre, movie rating, showing location, showing time, release start date, and release end date (col 1, line 61 – col 2, line 4; col 2, lines 27-46; and col 10, lines 11-34);

c. means for automatically selecting (matching) a plurality of actual movie showings with schedule request data associated with a plurality of job requests with matching audience common interest data to determine a schedule (col 7, lines 38-49 and col 12, lines 8-28); and

d. a plurality of means for presenting an advertisement associated with each selected job request to be presented at the actual movie showing according to the schedule (col 12, lines 26-28).

While Rabonsky discloses that the non-cinema files that are being scheduled to be played with the movie showing consist of such data as subtitles, teletext, special interest information, trailers (i.e. advertisements for upcoming movies), and locally generated materials such as advertisements, it is not explicitly disclosed that they are being scheduled in accordance with the job request received in the first step above. However, Hunter discloses a similar system for scheduling playing of advertisements at remote screens (to include movie theater screens) in which the advertisements are selected for the schedule in accordance with job requests received from the advertisers (col 4, line 1-28), tracks the display of the advertisements, and provides verification that

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the advertisements “run at the intended time at the intended displays” (col 4, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to schedule the display of the non-cinema data in Rabonsky in accordance to the intentions of the entity submitting the job requests. One would have been motivated to schedule the display of these “advertisements” in accordance with the scheduling request within the job request in view of Hunter’s teaching of verifying that they are run at the intended times and display screens which would enable Rabonsky to calculate the correct advertising fees as also taught by Hunter.

Claims 28 and 29: Rabonsky and Hunter disclose a system for providing advertisement information to an audience as in Claim 27 above, and Rabonsky further discloses that the scheduling system includes scheduling and playout of all trailers and data files (e.g. advertisements)(col 12, lines 8-28). While it is not explicitly disclosed that more than one job request is associated with an actual movie showing, nor that more than one actual movie showing is associated with a job request, Official Notice is taken that it is old and well known for theaters to display a plurality of advertisements and trailers while the audience is waiting for the actual movie showing to start. Likewise, it is old and well known that theaters present many of the same advertisements (e.g. advertising the theater’s concession stand) and trailers to audiences awaiting the start of different actual movie showings. Therefore, it would have been obvious to one having ordinary skill in the art to select a plurality of job request for each actual movie showing and to select a plurality of actual movie

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showings for each job request in Rabonsky. One would have been motivated to select more than one advertisement per actual movie showing in order to keep the audience entertained for the 5-30 minutes they are awaiting the start of the actual movie showing. One would have been motivated to select more than one actual movie showing per job request in order to preclude the need to make unique advertisements and trailers for every possible actual movie showing. In other words, there would only need to be one advertisement for the theater's concession stand, not a unique one for each actual movie showing.

Claims 30, 41, and 45: Rabonsky and Hunter disclose a system and method for providing advertisement information to an audience as in Claims 27, 38, and 43 above, and Rabonsky further discloses an audience attendance feedback unit which tracks the number of people attending each actual movie showing (col 5, lines 43-46; col 9, lines 3-11; and col 10, lines 28-30).

Claims 31, 42, and 46: Rabonsky and Hunter disclose a system and method for providing advertisement information to an audience as in Claims 27, 38, and 43 above, and Rabonsky further discloses generating an exposure log (report) for data representing the presentation of advertisements, trailers, and the actual movie showings (col 7, lines 8-11; col 12, lines 30-35; and col 14, lines 20-30).

Claims 32-34: Rabonsky and Hunter disclose a system for providing advertisement information to an audience as in Claim 27 above, and Rabonsky further discloses the audience common interest data includes information regarding a movie rating, time of day scheduled to be shown, first showing movie, etc. (col 3, lines 22-26; col 7, lines 38-47; col 7, line 61 – col 8, line 41; col 9, lines 43-50; col 10, lines 34-67; and col 12, lines 9-19).

Claims 35 and 47: Rabonsky and Hunter disclose a system and method for providing advertisement information to an audience as in Claims 27 and 43 above, and both references further disclose means for assembling a plurality of frames (tiles) into a composite frame (Rabonsky, Figure 3 and col 11, lines 11-46)(Hunter, col 8, lines 28-43).

Claim 36: Rabonsky and Hunter disclose a system for providing advertisement information to an audience as in Claim 35 above, and Rabonsky further discloses using a digital projector to display the composite frame (col 9, lines 43-50 and col 10, lines 34-67).

Claim 37: Rabonsky and Hunter disclose a system for providing advertisement information to an audience as in Claim 27 above, and both references further disclose the system providing an exposure report (Rabonsky, col 7, lines 5-13; col 8, lines 1-11; and col 12, lines 30-35)(Hunter, col 5, lines 4-55).

Claims 39 and 44: Rabonsky and Hunter disclose a system and method for providing advertisement information to an audience as in Claims 38 and 43 above, and both references disclose generating a schedule for playing the non-cinema files (to include advertisements, trailers, etc.) with the scheduled movie at a remote display screen. While neither reference explicitly states that the schedule "comprises an entire presentation in advance of a movie that is scheduled to be shown", it is inherent that since the remote screen displays the data according to the schedule that the schedule must include all of the information being presented (i.e. the entire presentation). While it is not inherent that the entire presentation of the non-cinema data must be shown "in advance of a movie that is scheduled to be shown", Official Notice is taken that it is common within the movie industry to present the advertisements, trailers, previews, etc. before showing the actual movie. This is done to ensure that the greatest number of people view this information since many people will leave the theater as soon as the movie credits begin to roll at the end of the movie. It also would make no business sense to display an advertisement for the theater's concession stand at the end of the movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display the non-cinema data *in advance* of the movie showing. One would have been motivated to do this for the reasons discussed above.

Claim 40: Rabonsky and Hunter disclose a system for providing advertisement information to an audience as in Claim 38 above, but neither reference explicitly discloses a means for identifying duplicate content within a schedule. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to not only check for duplicates within a schedule but to also eliminate any duplicates located. One would have been motivated to check for and eliminate duplicates within the schedule in order to prevent repetitive showings of the same information to the audience. Such repetitive showings, such as duplicate trailers of an upcoming movie, repeating the same advertisement over and over again, etc. are often viewed with contempt or aggravation by the audience and result in lower affinity towards the advertiser (or theater management in the case of duplicate trailers).

Response to Arguments

4. Applicant's arguments with respect to claims 27-37 have been considered but are moot in view of the new ground(s) of rejection.

Rabonsky discloses automatically scheduling the display of the movies along with the non-cinema data (trailers, advertisements, public information announcements, etc.) and Hunter discloses automatically scheduling the advertisements according to the intentions (desires) of the advertiser as found in their advertising requests (job requests).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached Monday through Thursday from 5:30 a.m. to 3:30 p.m.

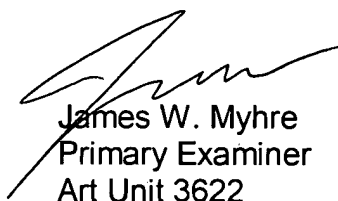
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (571) 272-6724. The fax phone number for Formal or Official faxes to Technology Center 3600 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.



JWM
August 1, 2005



James W. Myhre
Primary Examiner
Art Unit 3622